

OPINION
67-323

December 18, 1967 (OPINION)

Mr. Rodney S. Webb

State's Attorney

Walsh County

RE: Townships - Contributions - Historical Markers

This is in reply to your letter of December 11, 1967, in which you ask the following question:

"'Can a township, through its supervisors or its members, at annual meetings, contribute township funds toward the erection of historical sites or markers within the township area?'"

Our Supreme Court has held in many instances that political subdivisions which are creatures of the Legislature have only such authority as is specifically granted them by statute or must necessarily be implied from the powers specifically granted. We have been unable to find any statutory authority for a township, either through its electors (section 58-03-07) at the annual meeting or its township supervisors (section 58-06-01) to authorize the expenditure of township funds for the erection of historical sites or markers within the township area. This lack of authority becomes more obvious when the specific authority for counties to expend such funds is noted. See section 11-11-53 of the North Dakota Century Code, as amended. It would appear the county and state historical societies are primarily responsible for the marking of historical sites.

It is our opinion that a township does not have the authority to contribute township funds toward the erection of historical sites or markers within the township area.

HELGI JOHANNESON

Attorney General